

**REMARKS**

Claims 1-24 are pending in this application. Claims 1-24 stand rejected. Claims 1, 9 and 17 are amended to overcome an antecedent basis problem.

**Specification**

The Examiner references certain paragraphs of the application and requests that Applicants correct the "expression" of those paragraphs.

The Applicants have amended paragraph 67 to add a parenthetical to provide an English counterpart for the analytical expression provided, since it was assumed this was where the Examiner had a problem. Applicants have also added parenthetical expressions "(nodes)" in paragraphs 73 and 81, indicating that grid points and nodes are interchangeable. Again the Applicants are assuming that this may be why the Examiner a need for "correction."

Applicants have reviewed paragraphs 44, 46 and 50-52 and believe that they are clear and can easily be understood by those skilled in the art. Applicants are willing to discuss with the Examiner why the Examiner feels the "expression" is inadequate, since they do not understand the basis for the Examiner's concern.

Finally the Applicants amended the expression in paragraph 66. As the expression in paragraph 67 indicates the Supply is inversely proportional to SupplyCost. So the equation in paragraph 66

BUR920010149US1

Serial Number: 10/064,486

is corrected accordingly.

Finally the Examiner notes the citation on page 9 of the application points to an application that is not related. There is a typographical error both in the "Cross Reference to Related Applications" and in its subsequent reference in paragraph 56, page 9. Patent Application No. 09/943,824 should read "Patent Application No. 09/943,829" instead. This is otherwise clear from 1) the date of filing, 2) the title, and 3) the inventors listed in the application filed on that date. The Applicants have amended both paragraphs accordingly.

#### Claim Rejection Under 35 USC 112

The Examiner rejected claims 1 and 17 under the second paragraph of 35 U.S.C. 112 finding that "the processors" does not have an antecedent basis. It is noted that the same nomenclature appears in claim 9. The Applicants amended claims 1, 9 and 17 removing the word "the" from in front of "processors." This amendment obviously does not limit the meaning of the term "processors", and it is not the intent of Applicants to do so. Examiner should continue to give it the full scope of possible meanings.

#### Claim Rejections Under 35 USC 102

Claims 1-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Douceur et al, U.S. Patent Application Publication No. 2002/01439 A1 ("Douceur").

BUR920010149US1

Applicants respectfully traverse this rejection. Douceur and Applicants' invention are quite different in what is specified and what is claimed.

Applicants' invention partitions an input file such that the demand of data (memory) fits into the supply of memory in the pool of hosts that will solve the problem. The application mathematically specifies and claims data density and the cost of the memory demand to process some specific data. The supply of resource to process the data is quantified mathematically as a ratio between capacity and utilization. The Applicants overlay the data density matrix with a grid and adjust the partitioning lines to make the demand cost for each of the sections close to equal minimizing the demand cost. The hosts are ranked by supply value and assigned to the sections of the data density matrix. Lastly, partitions of data are written data ownership table and file frame. These partitions of data are used by the hosts who were selected when computing the supply.

Douceur's patent tells how to manage multiple data servers accessing requested data streams. Data streams are assigned slots in a distributed scheduling policy. Servers own certain slots of the schedule. They determine the number of contiguous slots and the distance between these occupied slot clusters. This information helps them determine whether to insert data into a current slot or wait for another subsequent slot.

Douceur also says in paragraph [0173] "The aspects of this invention ... are primarily directed for implementation in the distributed file server system. However, there are aspects of this invention that can be implemented in either the distributed or centralized file server system."

BUR920010149US1

Serial Number: 10/064,436

These differences are clearly reflected in the claims. In fact, when citing the Applicants' claims the Examiner failed to cite any specific references in the Douceur patent to back up his claim rejection statements. All the Examiner could do was generally cite paragraph 86-151. This is understandable, since the Applicants could not find in those sections any analogs to any of the steps set forth in the independent claims 1, 9 and 17.

Therefore, the Examiners anticipation rejection fails, and with the minor amendments to the specification and claim, this Application is in condition for allowance.

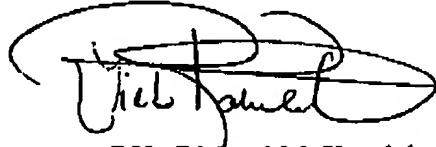
BUR920010149US1

Serial Number: 10/064,486

**SUMMARY AND CONCLUSION**

In view of the foregoing, withdrawal of the rejections and the allowance of the current pending claims is respectfully requested. If the Examiner feels that the pending claims could be allowed with minor changes, the Examiner is invited to telephone the undersigned to discuss an Examiner's Amendment.

Respectfully submitted,



Date: \_\_\_\_\_

BY: Richard M. Kotulak  
Attorney for Applicants  
Registration No. 27,712  
(802) 769-4457

BUR920010149US1